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20 **THE UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 WHITEWATER DRAW NATURAL,
23 RESOURCE CONSERVATION
24 DISTRICT *et al*,

25 Plaintiffs,

26 v.

27 KIRSTJEN M. NIELSEN, *et al.*,

28 Defendants.

Case No. 3:16-cv-2583

**JOINT MOTION TO EXTEND
BRIEFING SCHEDULE**

Date: March 12, 2018

No Oral Argument Unless Requested by
the Court

Hon. M. James Lorenz

1 In response to Plaintiffs' Amended Complaint filed on December 8, 2017,
2 Defendants filed a Partial Motion to Dismiss Counts One and Two of the Amended
3 Complaint on January 22, 2018. The parties have conferred and respectfully ask
4 the Court to extend the briefing schedule so that Plaintiffs' have 30 days to oppose
5 Defendants' Motion to Dismiss and Defendants have two weeks to reply to
6 Plaintiffs' Motion to Dismiss. In support of this motion, the parties state the
7 following:
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11 1) Defendants' Counsel filed Defendants' Partial Motion to Dismiss on
12 January 22, 2018, a few days before their Answer to the Plaintiffs'
13 Amended Complaint was due. Defendants' Partial Motion to Dismiss
14 addresses Counts I and II, but not Counts III, IV and V. *See* Docket #47.
15
- 16 2) While Plaintiffs certainly do not want to delay the progression of this
17 case, which has been pending since October 2016, and was stayed during
18 implementation of numerous discretionary changes to the implementation
19 of the nation's immigration program during much of 2017, Plaintiffs do
20 believe a reasonable, approximately two week extension of time to file
21 their Opposition to the Defendants' Motion to Dismiss is necessary for a
22 number of reasons. First, one of Plaintiffs' attorneys is currently
23 incapacitated with a severe flu, and is not yet able to collaborate with
24 counsel on the Opposition to the Motion to Dismiss. Second, because of
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1 the breadth of this case, and other litigation deadlines upcoming for
2 Plaintiffs' counsel, developing a response to Defendants' motion may
3 take longer than the two weeks given by the Rules of Federal Civil
4 Procedure.
5

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7 3) Plaintiffs' counsel conferred with Defendants' counsel, who had no
8 objection to the extension, and desired a one week extension of the time
9 to reply to the Plaintiffs' Opposition to the Motion to Dismiss. Plaintiffs
10 agreed that a one week extension of the Defendants' reply deadline
11 would be reasonable. Parties therefore respectfully request that Plaintiffs
12 should have until February 21, 2018, to file Opposition to the
13 Defendants' Partial Motion to Dismiss, and Defendants shall have until
14 March 7, 2018, to file their reply to Plaintiffs' Opposition to Defendants'
15 Motion to Dismiss.
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19 Dated: January 24, 2018

20
21 Respectfully submitted,

22 /s/Julie B. Axelrod

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Signature Certification

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to S. Derek Shugert, counsel for Defendants, and that I have obtained Mr. Shugert's authorization to affix his electronic signature to this document.

/s/ Julie B. Axelrod
Julie B. Axelrod
Attorney for Plaintiffs